

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Shun Larel Daniels,)	Case No.: 4:22-cv-01434-JD-KDW
)	
Plaintiff,)	
)	
vs.)	OPINION & ORDER
)	
Russell J. Young,)	
)	
Defendant.)	
)	

This matter is before the Court with the Report and Recommendation of United States Magistrate Kaymani D. West (“Report and Recommendation”) (DE 18), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ Shun Larel Daniels (“Daniels” or “Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights by Pamplico Police Officer Defendant Russell J. Young (“Officer Young” or “Defendant”) arising out of an arrest on January 24, 2022, and alleged wrongful detention. (DE 13.)

On May 13, 2022, the Court issued an order notifying Plaintiff his Complaint was subject to summary dismissal because he failed to allege sufficient facts to state a claim. (DE 9.) The order further advised Plaintiff he had until May 27, 2022, to file an amended complaint or otherwise cure the identified deficiencies in the pleadings. Plaintiff filed an Amended Complaint on May 25, 2022. (DE 13.)

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The instant Report and Recommendation was issued on June 1, 2022, recommending summary dismissal of this action because Plaintiff's Amended Complaint fails to cure the deficiencies, and like the original Complaint, fails to state a claim. Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein.

It is, therefore, **ORDERED** that this action is summarily dismissed without prejudice.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
July 26, 2022

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.